

HOUSE No. 4373

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 31, 2012.

The committee on the Judiciary to whom was referred the petition (accompanied by bill, House, No. 3729) of Marcos A. Devers and others (with the approval of the mayor and city council) for legislation to authorize the city of Lawrence to establish a program for enforcement against illegal dumping, reports recommending that the accompanying bill (House, No. 4373) ought to pass.

For the committee,

EUGENE L. O'FLAHERTY.

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The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing the city of Lawrence to establish a program for enforcement against illegal dumping.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law or rule or regulation to the contrary, it
2 shall be unlawful for any person in the city of Lawrence, directly or indirectly, to dump, place,
3 throw, deposit or discharge any refuse, rubbish, garbage, household goods, appliances or
4 furniture, construction debris, landscaping debris, scrap, trash or other material of any kind on
5 any way, public or private, appearing on the official map of the city of Lawrence, or within 20
6 yards thereof or on any land owned or controlled by the city.

7 SECTION 2. Notwithstanding any general or special law or rule or regulation to the contrary, it
8 shall be unlawful for any person owning, in whole or in part, directly or indirectly, any real
9 property, including ownership of any right to pass and repass on a private way in the city of
10 Lawrence upon which any refuse, rubbish, garbage, household goods, appliances or furniture,
11 construction debris, landscaping debris, scrap, trash or other material of any kind has been
12 dumped, placed, thrown, deposited or discharged to fail to remove such material within 7
13 calendar days of receipt of a written notice from a police officer, code inspector or other officer

or employee of the city of Lawrence duly authorized by ordinance or order of the mayor to remove and lawfully dispose of such material.

SECTION 3. The city of Lawrence may enforce section 1 by issuing a citation with the penalty as described in Section 5 or prosecuting criminal or civil actions in the housing court, superior court or the district court of Essex county and may enforce section 2 by issuing a citation with the penalty as described in Section 5 or prosecuting civil actions in those courts. No action commenced as a criminal action shall be converted to a civil enforcement action except with the consent of the city.

SECTION 4. A person convicted of a violation of section 1 shall be punished by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment in the house of correction for not more than 7 days or by both such fine and imprisonment.

SECTION 5. A person found responsible in a civil action for a violation of section 1 or 2 shall be required to pay a civil penalty of 3 times the amount, up to a maximum of \$5,000, estimated or actually paid by the city to remove the dumped material from the property. The court may also issue other orders and injunctions to remedy the circumstances of each case.

SECTION 6. All fines and penalties collected for violations of this act shall be paid to the city of Lawrence. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the city shall establish and maintain a Disposal Enforcement Fund into which all such payments shall be deposited. The city treasurer may invest funds in the fund in the manner authorized by sections 55 and 55B of said chapter 44 and any interest earned on the fund shall be credited to and become part of the account. The city shall appropriate and expend amounts from the account to finance the enforcement of this act, removing improperly

36 deposited material from the property subject to this act and financing programs and personnel
37 involved in the collection and lawful disposal of unwanted household goods generated by
38 residents of the city.

39 SECTION 7. This act shall take effect upon its passage.